

REMARKS

Applicant has filed the present Amendment and Response in reply to the outstanding Official Action of August 21, 2007, and the Applicant believes the Amendment and Response to be fully responsive to the Official Action for at least the reasons set forth herein.

At the onset, Applicant would like to note that claim 1 has been amended to recite, *inter alia*, that the plurality of first known structures is identified using a further known structure within the wanted signal. This limitation was originally recited in claim 2 and, therefore, is not new matter. Claim 2 has been cancelled. Claims 3, 4, and 6 have been amended for consistency, i.e., change dependency. Claim 10 has been amended to correct a minor editorial error from the previous amendment.

Applicant submits that all of the pending claims are patentably distinct from the references cited in the outstanding Official Action.

In the Official Action, claims 1 and 18-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Zhang, U.S. Patent No. 6,369,758. Applicant submits that the above-identified amendment to claim 1 renders the rejection moot. Notably, the Examiner admits the Zhang fails to teach that the plurality of first known structures is identified using a further known structure within the wanted signal.

Applicant submits that none of the other cited references cure this deficiency. In the Official Action, claims 2-6 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of ETSI EN 300 744 V1.4.1 (2001-01) (hereinafter “the ETSI reference”).

Applicant submits that Zhang in view of the ETSI reference fails to teach, suggest or render obvious all of the limitations of amended claim 1.

Applicant submits that a person of ordinary skill in the art would not have combined Zhang and the ETSI reference to obtain the present invention. There is no motivation to combine.

Pro arguendo, even if there was a motivation to combine, the hypothetically combined references fails to teach that said plurality of first known structures being identified using a further known structure within the wanted signal, as recited. The ETSI reference describes the TPS transmission format for the TPS signal. The ETSI reference details the particular transmission format for the signal where a bit number corresponds to a particular part of the signal. The document identifies and describes each signal part and correlates the part to the signal bit. However, the reference does not teach using a portions of the signal, e.g., a bit, to identify the entire signal as the Examiner suggests. In other words, there is no teaching or suggestion that the particular transmission format is used to identify the plurality of first known structures being identified using a further known structure within the wanted signal.

Accordingly, Applicant submits that claim 1 is patentably distinct from the cited references, whether taken alone or in any combination thereof; the cited references fail to teach or suggest, each and every limitation of the claim.

Applicant submits that claims 3-6 and 12 are patentably distinct from the cited references based at least upon the above-identified analysis and in view of their dependency, whether directly or indirectly from claim 1.

In the Official Action, claims 7-11 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of the ETSI reference and in further view of DeFreese et al., U.S. Patent No. 6,493,876 (hereinafter “DeFreese”).

Applicant submits that claims 7-11 and 13-17 are patentable over the cited references based at least upon the above-identified analysis and in view of their dependency, whether directly or indirectly from claim 1.

Moreover, Applicant submits that claims 7-11 and 13-17 are patentably distinct from the cited references based at least upon the following additional reason.

Applicant submits that the cited references fail to teach or suggest the limitation of the “pointers are stored in a look-up table, and step a) includes using said pointers to select said plurality of first known structures in said received signal”, recited in claim 7 and similarly recited in claim 13. The Examiner admits that Zhang and the ETSI reference fails to teach this limitation. Applicant submits that this limitation is not obvious in view of Zhang, the ETSI reference and DeFreese.

Applicant submits that there is no motivation to combine Defreese with either Zhang or the ETSI reference. DeFreese is non-analogous art. Notably, DeFreese is directed to a system and method for providing a television system and not a mobile communication system. Zhang is directed to mobile communication and the ETSI reference is directed to a TPS format. One of ordinary skill in the art would not combine DeFreese with either reference. Notably, there is no teaching or suggestion in the references themselves to combine Defreese with either Zhang or the ETSI reference. Therefore, Applicant submits that the combination is improper.

Pro arguendo, even if there was a motivation to combine, the hypothetically combined references fail to teach all of the limitations of the claims.

DeFreese discloses a system and method for providing a full service television system. The method associates a television channel with a first pointer stored in a table and maps the channel to the television service using the first pointer, associates an identifier with a second pointer and maps the identifier to a parameter using the second pointer to display the contents of the television service on the channel.

While DeFreese teaches using pointers and a table, there is no teaching or suggestion (in DeFreese) to use the pointers to select the plurality of first known structures in the received signal, or that a plurality of first know structures are identified using a further known structure within the received signal to determine the power level for at least a portion of the received signal, as recited in the claims.

Accordingly, Applicant submits that claims 7-11 and 13-17 are patentably distinct from the cited references; the references fail to teach, suggest or render obvious, each and every limitation of the claims.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 and 18-26 pursuant to 35 U.S.C. § 102(b). Additionally, Applicant respectfully requests that the Examiner withdraw the rejection of claims 3-17 pursuant to 35 U.S.C. § 103(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call

the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Esatto, Jr.', written over the printed name.

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